

FILED

MAY 30 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.
MONTGOMERY, ALA.

DEBBIE RHODES,

PLAINTIFF,

V.

SOUTHEAST WAFFLES, LLC,
d/b/a WAFFLE HOUSE, and
DEWEY PAUL,

DEFENDANTS.

Civil Action Number: 2002-35620-JSD

Jury Trial Requested

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DEBRA F. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

COMPLAINT

COMES NOW the Plaintiff in the above-styled cause, by and through counsel, and files herewith this Honorable Court, pursuant to 42 U.S.C. §2000(e), the following Complaint against the Defendant, and in support thereof show unto the Court the following:

JURISDICTION

1. That the Complaint is brought pursuant to the provisions of 42 U.S.C. §2000(e) to address the Defendants' deprivation of the Plaintiff's rights due to the Plaintiff's gender. The jurisdiction the Court over said cause of action is invoked under 28 U.S.C. §1331.

2. That the Plaintiff has satisfied the prerequisites to bring this action by exhausting her administrative remedies through the Equal Employment Opportunity Commission and has received a "Right to Sue" letter from the Equal Employment Opportunity Commission. That said "Right to Sue Letter" was received by the Plaintiff on or about March 1, 2002. That this lawsuit has been timely filed with this Honorable Court within the ninety (90) day limit set by law.

PARTIES

3. That the Plaintiff is now, and at all times relevant to the allegations contained in the Complaint has been, an adult resident of Autauga County, Alabama.

4. That Defendant SouthEast Waffles, LLC is, upon the information and belief of the Plaintiff, a limited liability company organized under the laws of the State of Tennessee and conducting business in Autauga County, Alabama.

5. That Defendant Dewey Paul, is, upon the information and belief of the Plaintiff, an adult resident of Montgomery County, Alabama.

INTRODUCTION

6. That the Plaintiff and Defendant Dewey Paul were both employees of Defendant SouthEast Waffle, LLC.

7. That the Plaintiff was employed by Defendant SouthEast Waffles, LLC as a waitress in store number 262, located in Prattville, Alabama.

8. That Defendant Dewey Paul was employed by Defendant SouthEast Waffles, LLC as a District Relief Manager for the district that included Prattville store number 262.

9. That Defendant Dewey Paul, while acting in his capacity as a District Relief Manager, would regularly make jokes involving sexual innuendo, make statements about the anatomy of female employees under his supervision, simulate sexual activity and make sexually offensive comments in the presence of the Plaintiff, her co-workers and patrons of the store.

10. That said activity by Defendant Dewey Paul was so severe that it created a sexually hostile work environment and altered the terms and conditions of the Plaintiff's employment.

11. That due to said hostile work environment, the Plaintiff was forced to leave her employment with SouthEast Waffle, LLC.

COUNT ONE
GENDER DISCRIMINATION

12. That the Plaintiff adopts and incorporates the allegations contained in paragraphs 1 through 11 above as if set out in full herein.

13. That the Defendants have discriminated against the Plaintiff in its employment practices due to the Plaintiff's gender.

14. That the Defendants have created a sexually hostile work environment so severe that it acted as a constructive discharge of the Plaintiff's employment.

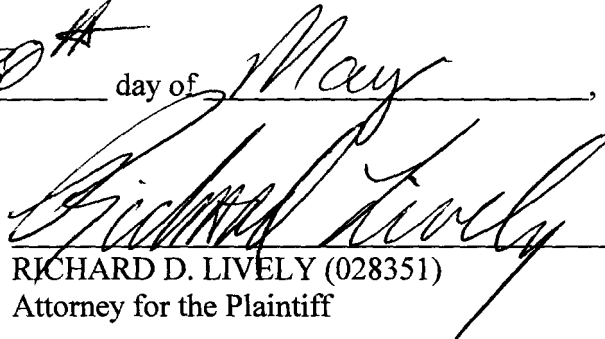
15. That as a result of the Defendants' discriminatory conduct, the Plaintiff has suffered damages in the form of loss of work and wages, humiliation, fear, anxiety, emotional distress, mental anguish and extreme inconvenience.

WHEREFORE, THE PREMISES CONSIDERED, the Plaintiff demands judgment against the Defendants for compensatory and punitive damages, to be determined by a jury, plus attorney fees, interest and costs, together with and in addition to any and all other, further and different relief to which the Plaintiff may be entitled as a matter of law or in equity.

JURY DEMAND

The Plaintiff hereby requests a trial by struck jury on all issues alleged herein.

Respectfully submitted this the 30th day of May, 2002.



RICHARD D. LIVELY (028351)
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OF COUNSEL:

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